



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.04.2022
CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

WEB COPY

Writ Petition (MD) No.13672 of 2019
and
W.M.P. (MD) Nos.10238 & 10239 of 2019

Manimuthu, S/o.Late. Gurusamy

.. Petitioner

Versus

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tenkasi Region,
Tenkasi,
Tirunelveli District.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Dept.,
Tirunelveli.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Dept.,
Tirunelveli - 2.

5.Rajendramani, S/o.Karuppasamy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the fourth respondent in Se.Mu.Na.Ka.No.1418/2015/E1, dated 10.09.2018, quash the same as illegal and consequently, direct the fourth respondent herein to appoint a Fit Person in regulating the Arulmigu Sudalaimada Swamy Temple, situated at Thalaivankottai Village, Nagaram P.O., Sivagiri Taluk, Tirunelveli District, in view of the proceedings initiated by the fourth respondent in Na.Ka.No.1418/2015-1/E1, dated 21.09.2017, within a stipulated time limit that may be fixed by this Court.

For Petitioner	:	Mrs.P.Kalaiyarasi Bharathi
For R1 to R4	:	Mr.P.Subbaraj Special Government Pleader
For R5	:	Mr.H.Arumugam

**ORDER**

The petitioner has challenged the proceedings of the fourth respondent, informing him that his request for appointment of a Fit Person cannot be entertained, as the proceeding at the behest of the fifth respondent was pending before the Joint Commissioner under Section 63(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as 'the H.R. & C.E. Act'].

2.The learned counsel for the petitioner submits that the petitioner elicited information under the Right to Information Act from the fourth respondent and by Communication, dated 17.12.2018, bearing R.T.I. Petition No.70/2018/Letter No.7503/2018, the fourth respondent has confirmed that there are no details of proceedings that are pending before the third respondent - Joint Commissioner.

3.When the matter was taken up for hearing on 01.03.2022, the learned counsel for the fifth respondent submitted that a petition under Section 63(a) of the H.R. & C.E. Act was filed on 01.09.2018 before the third respondent - Joint Commissioner.

4.Today, after the case was heard at length, the learned Special Government Pleader for the respondents 1 to 4 submitted that the fifth respondent had filed a petition under Section 63(a) of the H.R. & C.E. Act on 01.09.2018 and the same was returned on 18.09.2018. However, no steps have been taken by the fifth respondent to re-present the same.

5.Considering the above said submission, I am inclined to dispose of this Writ Petition, by directing the fourth respondent to appoint a Fit Person within a period of 30 days from the date of receipt of a copy of this order, in case, no attempt is made by the fifth respondent to re-present the petition and number it.

6.This Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tirunelveli District,
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Tenkasi Region,
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Tirunelveli District.

3.The Joint Commissioner,
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+1 CC to M/s.H. ARUMUGAM, Advocate (SR-17865[F] dated 11/04/2022)

+1 CC to M/s.P. KALAIYARASI BHARATHI, Advocate (SR-17556[F] dated 08/04/2022)

+1 CC to M/s.SPL.GP (SR-17539[F] dated 08/04/2022)

WP (MD) No.13672 of 2019
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CK (CO)
KB (20.04.2022) 3P 8C